

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Cynthia Thomas,)	Civil Action No.: 4:13-cv-00990-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dillon School District Four, D. Ray)	
Rogers, Arthur McMillan, and Polly)	
Elkins,)	
)	
Defendants.)	
_____)	

Plaintiff Cynthia Thomas filed this action, alleging that she was discriminated against in her employment with Defendant Dillon School District Four. She asserts violations of her rights under federal constitutional and statutory law, as well as South Carolina tort law. All Defendants filed motions to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil. *See* ECF Nos. 5, 6, 7. Plaintiff filed timely responses. *See* ECF Nos. 11, 12. The motions are now before the Court after the issuance of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court grant Defendant Dillon School District Four's motion to dismiss in part due to Plaintiff's stipulation to the dismissal of her Title VI race discrimination claim and her claim under 42 U.S.C. § 1985. The Magistrate Judge, however, recommends denying the rest of the motion, as well as the motions filed by the individual Defendants.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a

de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that the individual Defendants’ motions to dismiss (ECF Nos. 5, 6) are **DENIED**. Defendant Dillon School District Four’s motion to dismiss (ECF No. 7) is **GRANTED IN PART** and **DENIED IN PART**. Accordingly, Plaintiff’s claims under Title VI and 42 U.S.C. § 1985 are **DIMISSED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
 R. Bryan Harwell
 United States District Judge

Florence, South Carolina
 November 26, 2013